

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA

PAUL C. BOLIN

Petitioner,

vs.

Vincent Cullen, as Acting Warden of  
San Quentin State Prison,

Respondent.

Case No. 1:99-cv-5279-LJO

DEATH PENALTY CASE

ORDER DIRECTING THE PARTIES TO  
LODGE EVIDENCE

This matter is before the Court on the December 22, 2008 contested motion of Petitioner Paul C. Bolin ("Bolin") for an evidentiary hearing. Both Bolin and Respondent Vincent Cullen, as Acting Warden of San Quentin State Prison (the "Warden") have briefed the issues and submitted numerous exhibits for the Court's review. In the course of reviewing the pleadings, briefs, and exhibits, the Court finds omissions. First, the trial exhibits, both admitted and excluded, have not been offered. The trial exhibits are listed at pages 390 through 393 of the Clerks Transcript (Volume II). These exhibits were considered by both the Kern County Superior Court and the California Supreme Court on direct appeal as well as in state post conviction proceedings. Second, the September 5, 1989 taped interview of surviving victim Jim Wilson, referred to in Claim I-3 of the Petition, has not been offered, either in audio or transcript format. Existence of this interview is documented in the September 12, 1989 supplemental report of Kern County Sheriff Deputy M. Williamson. *See* Bolin's Exhibit 6 at page 28. Conducting a thorough review of the record and claims on federal habeas corpus requires review of this evidence.

1 The Warden is directed to reproduce all photographic and documentary trial exhibits.  
2 Additionally, the Warden shall photograph all tangible trial exhibits, with the exception of actual bullets  
3 and spent shell casings. The Warden shall lodge with the Court this evidence by June 14, 2010. With  
4 respect to the taped interview of Jim Wilson, the parties shall meet, confer, and agree upon copy of the  
5 audiotape to be submitted to the Court. The audiotape shall be lodged by June 14, 2010. If the parties  
6 can agree on a transcription of the audiotape, a transcript of the audiotape shall be lodged on June 14,  
7 2010 as well.

8  
9 IT IS SO ORDERED.

10  
11 DATE: May 14, 2010

/s/ Lawrence J. O'Neill  
Lawrence J. O'Neill  
United States District Judge